

REMARKS

Applicant thanks the Examiner for the courtesy of an interview conducted June 14, 2005. In the Office Action mailed April 1, 2005, the Examiner provisionally rejected claims 1-62 under the judicially created doctrine of obviousness-type double patenting over claims 1-66 of co-pending Application Serial No. 10/636,348. As discussed at the interview, Applicant requests permission to defer consideration of a terminal disclaimer pending an indication of allowable subject matter in both applications. Pending an indication of allowable subject matter, Applicant respectfully traverses this requirement because the claims of both applications are being amended in response to outstanding Office Actions, and thus no double-patenting determination has been made with regard to the amended claims.

In the Office Action, the Examiner also rejected claims 1-17, 19-33, 35-46, 48-55, and 57-66 as being obvious over Delmonaco (U.S. Patent No. 6,052,052). The Examiner further rejected claims 18, 34, 47, and 56 as being obvious over Delmonaco in view of Teckchandani (U.S. Patent No. 6,816,090). Applicant respectfully traverses these rejections. Applicant's claims, as amended, are not obvious over Delmonaco alone or in combination with any of the references of record. Furthermore, based on Applicant's priority date, Applicant submits that Teckchandani is not a valid reference in this application.

As the Examiner and Applicant's attorney discussed at the interview, Delmonaco discloses a mobile property monitoring device in accordance with which the device is placed in a room and various sensors are attached. For instance, Delmonaco discloses a portable box 30 to which a series of sensors may be attached. The sensors include such things as active sensor 31, panic button 33, door sensor 34, and remote microphone 35, each of which may be placed in a room to monitor the area. The sensors may "be placed in a plurality of different zones, each zone being a discrete area to be protected." [Delmonaco, column 4, lines 18-19.] When one of the sensors is tripped, a signal is sent.

In contrast, according to the present invention, the mobile monitoring device is not just mobile in the sense that it can be placed in a room to monitor conditions in the room; rather, the device may be physically attached to the personal property being monitored. Not only does the device monitor the property when stationary, if the property "leaves" the area, the device comes along, to provide continuous, updated information about the condition of the personal property. This is an entirely different concept from the area monitoring functions of the device of Delmonaco. Therefore, Applicant's independent claims 1, 28, 45 and 59, as amended, and new claim 67, all of which require the feature of moveably monitoring portable property, are not obvious in view of Delmonaco. The remaining claims, all being dependant on an allowable claim, are also allowable.

In addition, all of the pending claims, as amended, also include the limitation that the device "is sized and adapted such that it is usable with a variety of different types of personal property." This limitation is supported by the specification as originally filed, as well as by the specification of the parent application, Application Serial No. 09/943,913 filed August 31, 2001 (now U.S. Patent No. 6,864,789). In fact, each of the claims of the '789 patent include this limitation, and thus this limitation independently renders each of the pending claims patentable over the art of record.

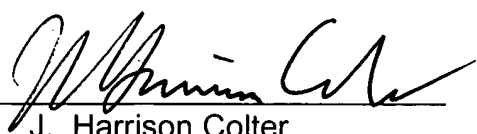
As for citation of Teckchandani (which, in any event, is applied only against dependent claims), Applicant notes that the Teckchandani patent issued from an application having an effective filing date of February 11, 2002, the filing date of the parent of that patent. The present invention claims priority based on U.S. Application Serial No. 09/943,913 filed August 31, 2001 (now U.S. Patent No. 6,864,789), which claims priority based on U.S. Provisional Patent Application Serial No. 60/230,608 filed September 6, 2000. All of the elements of the pending claims of the present application were taught in the original '789 patent application, and thus the effective date of filing for those claims is no later than August 31, 2001 (September 6, 2000 if the provisional application is considered), and thus well prior to the effective date of Techchandani. Thus, Teckchandani is not prior art with respect to these claims.

CONCLUSION

Applicant respectfully submits that all of the independent claims pending in this application, as amended, are allowable. Reconsideration of Applicant's claims and a Notice of Allowance are respectfully requested. Should the Examiner have any questions, he is invited to call Applicant's attorney at (801) 932-6162.

Respectfully submitted,

Date: August 25, 2005

By: 
J. Harrison Colter
Attorney for Applicant
Registration Number 31,341
333 South 520 West, Suite 350
Lindon, Utah 84042
Telephone: (801) 932-6162
Fax: (801) 932-6161